

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROBERT W. JACKSON,)
)
Plaintiff,)
)
v.) C.A. No. 06-300-SLR
)
STANLEY W. TAYLOR, et al.,)
)
Defendants.)

ORDER

WHEREAS, as part of his discovery request, Plaintiff has sought "Copies of all autopsy reports for each execution accomplished by lethal injection from its inception to date, including all photographs, lab work, bench notes, or other writings generated by those who performed or assisted in autopsies;"

WHEREAS, the above-requested materials appear to fall within the definition of "protected health information" as defined by 16 Del. C. § 1230(4);

WHEREAS, 16 Del. C. § 1232(d)(5) provides that such materials may be disclosed without the informed consent of individuals who are the subjects of the information pursuant to a court order to avert a clear danger to an individual or the public health;

WHEREAS, the planned execution of Plaintiff by lethal injection constitutes a clear danger to him;

IT IS SO ORDERED this 4th day of October, 2006, that Plaintiff's discovery request is granted, subject to the limitations on secondary disclosures placed on such information by 16 Del. C. § 1232(g) that Plaintiff, his attorneys, and his retained expert witness, may not disclose the protected health information to another person.

Sue L. Robinson
Sue L. Robinson
Chief Judge
United States District Court